

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LAPONZO MONROE DALLAS,

Plaintiff,

v.

Case No. 05-C-1265

JUDY SMITH,

Defendant.

ORDER

The defendant has filed a motion to vacate the court's order of December 12, 2005, summarily dismissing his petition for a writ of habeas corpus on the grounds that it was untimely. Petitioner thereafter appealed, but his appeal was dismissed on March 10, 2006, for failing to pay the required docketing fee. Petitioner has now filed a motion to vacate this court's order on the ground that the court's order misstated the date of his conviction. He contends that it was March 22, instead of March 21, 1996, as set forth in the order. Even if petitioner is correct, the error does not warrant the relief requested. Whether the date of his conviction was March 22 or March 21, 1996, the petition seeking federal habeas corpus is clearly untimely and the motion is therefore denied.

SO ORDERED this 21st day of July, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge